

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)	C/A No. 3:19-1758-MGL-PJG
)	
Plaintiff,)	
)	
v.)	
)	
24,887.48 dollars in United States Currency,)	ORDER
<i>Funds on Deposit in Cooper Trust Fund</i>)	
<i>Account for William Tillman,</i>)	
)	
Defendant,)	
)	
William Edward Tillman,)	
)	
Claimant.)	
_____)	

The United States filed a Complaint in this civil forfeiture action on June 20, 2019. (ECF No. 1.) The United States sent Claimant, William Edward Tillman, a notice by certified mail that the action was filed and instructed him that to contest the forfeiture, he would have to file a claim and an answer pursuant to Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Forfeiture Actions. (ECF No. 5.) The United States filed an Amended Complaint on July 30, 2019. (ECF No. 12.) Tillman, proceeding without counsel,¹ filed a claim—but no answer—on August 1, 2019, and a claim to the Amended Complaint on August 12, 2019. (ECF Nos. 18 & 22.)

On September 9, 2019, the Clerk of Court entered default in this case against Tillman. (ECF No. 25.) In its request for entry of default, the United States asserted that it provided Tillman

¹ Tillman is a state prisoner. Therefore, should a limitations issue arise, he shall have the benefit of the holding in Houston v. Lack, 487 U.S. 266 (1988) (prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to District Court).

with direct notice of this action and advised him that he must file an answer within twenty-one days of filing a claim, but that Tillman failed to file an answer within that time. The United States now moves for a default judgment or a judgment on the pleadings because Tillman has not yet filed an answer to the Complaint or the Amended Complaint. (ECF No. 27.)

Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Forfeiture Actions requires that a claimant *must* serve and file an answer to the complaint or a motion pursuant to Rule 12 of the Federal Rules of Civil Procedure within twenty-one days after filing the claim. Supp. R. for Admiralty, Maritime Claims, Rule 5(G)(b). Tillman is warned that if he does not file an answer or motion pursuant to Rule G(5), the court may enter a default judgment or judgment on the pleadings for the reasons explained in the United States's motion.

In light of Tillman's *pro se* status, the court directs Tillman to file an answer or motion pursuant Rule 5(G) within **twenty-one (21) days** from the date this order is entered (plus three days for mail time). Tillman is warned that failure to do so may result in a default judgment or judgment on the pleadings being entered against him.

IT IS SO ORDERED.



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

December 17, 2019
Columbia, South Carolina